

Exhibit 15



Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402

612 335 5070 main
612 288 9696 fax

August 27, 2021

Phillip W. Goter
Principal
goter@fr.com
612 337 2535 direct

VIA EMAIL (Elin@mofo.com)

Eric W. Lin
Morrison & Foerester LLP
250 West 55th Street
New York, NY 10019-9601

Re: *Finjan LLC v. Palo Alto Networks, Inc.*
Case No. 3:14-cv-04908 (N.D. Cal.)

Counsel,

We write in response to your August 11, 2021 letter concerning alleged production deficiencies.¹ It is ironic that PAN urges strict compliance with its requests for discovery when PAN has shown complete disregard for Finjan's requests for discovery and contempt for the procedural rules.

Request for Production Nos. 1, 2, 26-32, 38-41, 85, 86 and Interrogatory Nos. 1, 2.

Finjan will not be producing any documents related to the SurfinGate prior art system. In prior correspondence, Finjan has made clear that PAN knew or should have known of the existence of the SurfinGate system long before PAN served its May 17, 2021 invalidity contentions.² (See August 13, 2021 Letter to Van Nort from Smith.) SurfinGate is identified on the second page of the '731 Patent, in the "Other Publications" section.³ SurfinGate also appears numerous times in the prosecution history of the '731 Patent, and is even described as "[a]pplicant's own prior art."⁴

¹ This letter also responds to Mr. DeStefano's letter, sent prematurely earlier today.

² Finjan notes that PAN still has not filed a motion for leave to amend its invalidity contentions in accordance with the requirements set forth in Patent Local Rule 3-6.

³ '731 Pat. at p. 2 ("Products" Article published on the Internet, "Revolutionary Security for A New Computing Paradigm" regarding *SurfinGate*TM 7 pages.") (emphasis added).

⁴ '731 Prosecution History, July 23, 2007 Amendment and Response at 16 ("Moreover, the word "profile" only appears in Ji with reference to prior art (in particular *Applicant's own prior art, SurfinGate*, which is described in the parent of the present application, US Serial No. 08/964,388 filed on November 6, 1997 and entitled SYSTEM AND METHOD FOR



Eric W. Lin

August 27, 2021

Page 2

SurfinGate is further identified in the '633, '408, '926, and '494 Patents and respective prosecution histories. Finally, in IPR2016-01443 against the '494 Patent, the PTAB discussed SurfinGate in its Decision Denying Institution.⁵ Thus, because PAN is barred from asserting the SurfinGate system against the '731 patent and has altogether failed to properly move to amend its invalidity contentions, Finjan will not be producing these documents.

Request for Production Nos. 10, 11, 21, 24, 26-32, 38-41, 66-71, 85, 86.

PAN's complaints on this issue are solely intended to waste time and resources. After investigating these claims, Finjan has determined that the following documents were already produced in this case by Finjan, by PAN, or by both parties.

From FINJAN-PAN 402450 (Qualys):

1. "Mobile Code Security by Java Bytecode Instrumentation," by Ajay Chander, John C. Mitchell, and Insik Shin ("Chander"). [FINJAN-PAN 180124-180139; PAN_FIN00100713-100726]
2. U.S. Application No. 11/510,135 to Chess et al. ("Chess 972") [FINJAN-PAN 411457]
3. Digital Immune System as described in the following: "Blueprint for a Computer Immune System," by Kephart et al. [FINJAN-PAN 410011-410032]
4. "A Biologically Inspired Immune System for Computers," by Kephart [FINJAN-PAN 178302-178311; FINJAN-PAN 105726-105735]
5. "Biologically Inspired Defenses Against Computer Viruses," by Kephart et al. [FINJAN-PAN 178489-178500]
6. U.S. Patent No. 5,440,723 issued to Arnold et al. [PAN_FIN00104329-104357]
7. "Dynamic Detection and Classification of Computer Viruses Using General Behavior Patterns," by Swimmer ("Digital Immune System") [FINJAN-PAN 182694-182707; PAN_FIN00105083-105096; PAN_FIN00105670-105691; PAN_FIN00112907-112928]

PROTECTING A COMPUTER AND A NETWORK FROM HOSTILE DOWNLOADABLES.)" (emphasis added).

⁵ See IPR2016-01443, Paper 13 (Jan. 23, 2017) at n. 7.



Eric W. Lin

August 27, 2021

Page 3

8. "Combining Static Analysis and Runtime Monitoring to Counter SQLInjection Attacks," by Wiliam G.J. Halfond and Alessandro Orso ("Halfond") [FINJAN-PAN 181241-181247; PAN_FIN0010454-10460; PAN_FIN00100893-100899]
9. Trend Micro's InterScan AppletTrap, which is described in the following: "Poison Java," by Eva Chen ("Poison Java") [PAN_FIN00107637-107648; PAN_FIN00113418-113429; PAN_FIN00028732-28737; PAN_FIN00033591-33596]
10. "Trend InterScan AppletTrap 1.3, Quick Start Guide," ("Quick Start Guide"), [FINJAN-PAN 411406-411425]
11. Trend Micro InterScan AppletTrap, Getting Started Guide, ("Getting Started Guide") [TM-FIN000041; TM-FIN000356]
12. U.S. Patent No. 5,983,348 to Ji. ("Ji") [PAN_FIN00106566-106574; PAN_FIN00107270-107278; PAN_FIN00113206-113214; PAN_FIN00114052-114060]
13. U.S. Patent Pub. No. 2005/0108562 to Khazan et al. ("Khazan") [PAN_FIN00101670-101699]
14. "JavaScript Instrumentation in Practice," by Haruka Kikuchi, Dachuan Yu, Ajay Chander, Hiroshi Inamura, and Igor Serikov ("Kikuchi") [FINJAN-PAN 409829-409844; FINJAN-PAN 411211-411226; PAN_FIN00100911-100926]
15. "Sweeping the Boards," by Jonathan Burchell, ("Burchell") [FINJAN-PAN 177206-177229; FINJAN-PAN 180100-180123; PAN_FIN00100689-100712]
16. U.S. Patent Application Publication No. 2007/0113282 A1 to Ross, ("Ross"). [FINJAN-PAN 316675]

From FINJAN-PAN 403319 (Check Point):

1. "Gateway Level Corporate Security for the New World of Java™ and Downloadables," (hereinafter, "SurfinGate Fax") [FINJAN-PAN 119387; FINJAN-PAN 411818]
2. Materials from Finjan's website (hereinafter, "Products Web Marketing") [FINJAN-PAN 321252]



Eric W. Lin

August 27, 2021

Page 4

3. U.S. Patent 5,983,348 to Ji (hereinafter, "Ji 348") [PAN_FIN00106566-106574; PAN_FIN00107270-107278; PAN_FIN00113206-113214; PAN_FIN00114052-114060]
4. "SurfinGate 'Reinvents' Internet Security First to Protect Against Downloadables at the Gateway Level," (hereinafter, "SurfinGate Gateway Level Press Release"). [FINJAN-PAN 094481]

After extensive searching Finjan has identified additional non-confidential documents that will be produced today, the date you initially demanded. I note that many of these documents are equally accessible to PAN as to Finjan, which further underscores the burdensome and objectionable nature of PAN's discovery conduct.

The confidential documents from *Checkpoint*, *Blue Coat I*, *Sophos*, *Secure Computing*, *Proofpoint*, and *McAfee* are not in Finjan's possession, custody, or control. Because they contain third-party confidential information, Finjan itself has never had access to those documents. Further, because Fish & Richardson is not counsel of record for Finjan in those cases, we also cannot access those confidential documents due to the protective orders. Thus, Finjan will not be producing them in this matter. If PAN wishes to obtain these documents, it is free to subpoena them from the relevant third parties.

Sincerely,

/s/ Phillip W. Goter

Phillip W. Goter

PWG:trj